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ABSTRACT

The booklet reviews the literature and offers practical suggestions for providing special education services to incarcerated youth with special learning, social, or emotional needs. The booklet examines the following topics: (1) handicapping conditions among juvenile offenders (the most common are mental retardation, learning disabilities, and behavioral disorders); (2) probable causes for overrepresentation of youth with disabilities among juvenile offenders (poorly developed social skills and inability to comprehend questions and warnings); (3) educational services in juvenile corrections (including detention centers, juvenile correctional institutions, schools, camps, and ranches); (4) administrative arrangements and service providers (the public schools, departments of social services, juvenile justice and corrections, and private agencies); (5) promising practices (functional assessments, curriculum, and instruction; transition services; and collaborative linkages among courts, schools, correctional facilities, and aftercare programs); (6) future trends (more private facilities, intermediate sentencing, and larger numbers of serious offenders in juvenile facilities); and (7) professional development (covering dropout prevention, functional curricula, and advocacy support for disabled students at risk for adjudication). Includes 56 references. (DB)

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SPECIAL EDUCATION IN JUVENILE CORRECTIONS

Peter E. Leone,
Robert B. Rutherford, Jr.,
and C. Michael Nelson

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Foreword

Working with Behavioral Disorders CEC Mini-Library

One of the greatest underserved populations in the schools today is students who have severe emotional and behavioral problems. These students present classroom teachers and other school personnel with the challenges of involving them effectively in the learning process and facilitating their social and emotional development.

The editors have coordinated a series of publications that address a number of critical issues facing service providers in planning and implementing more appropriate programs for children and youth with severe emotional and behavioral problems. There are nine booklets in this Mini-Library series, each one designed for a specific purpose.

- *Teaching Students with Behavioral Disorders: Basic Questions and Answers* addresses questions that classroom teachers commonly ask about instructional issues, classroom management, teacher collaboration, and assessment and identification of students with emotional and behavioral disorders.
- *Conduct Disorders and Social Maladjustments: Policies, Politics, and Programming* examines the issues associated with providing services to students who exhibit externalizing or acting-out behaviors in the schools.
- *Behaviorally Disordered? Assessment for Identification and Instruction* discusses systematic screening procedures and the need for functional assessment procedures that will facilitate provision of services to students with emotional and behavioral disorders.

- *Preparing to Integrate Students with Behavioral Disorders* provides guidelines to assist in the integration of students into mainstream settings and the delivery of appropriate instructional services to these students.
- *Teaching Young Children with Behavioral Disorders* highlights the applications of Public Law 99–457 for young children with special needs and delineates a variety of interventions that focus on both young children and their families.
- *Reducing Undesirable Behaviors* provides procedures to reduce undesirable behavior in the schools and lists specific recommendations for using these procedures.
- *Social Skills for Students with Autism* presents information on using a variety of effective strategies for teaching social skills to children and youth with autism.
- *Special Education in Juvenile Corrections* highlights the fact that a large percentage of youth incarcerated in juvenile correctional facilities has special learning, social, and emotional needs. Numerous practical suggestions are delineated for providing meaningful special education services in these settings.
- *Moving On: Transitions for Youth with Behavioral Disorders* presents practical approaches to working with students in vocational settings and provides examples of successful programs and activities.

We believe that this Mini-Library series will be of great benefit to those endeavoring to develop new programs or enhance existing programs for students with emotional and behavioral disorders.

Lyndal M. Bullock
Robert B. Rutherford, Jr.

Introduction

Each year, about 450,000 delinquent youth in the United States are placed in juvenile detention centers and state training schools, while another 300,000 spend some time in adult jails (Margolis, 1988). In addition, over one-fourth of the offenders in adult state and federal prisons are 21 years of age or younger (U.S. Department of Justice, 1988). Currently, approximately 84,000 juvenile delinquents are incarcerated in city and county detention centers or state juvenile correctional facilities. From 1984 to 1989, the incarcerated population in state juvenile facilities increased by 14% (Nelson & Rutherford, 1989).

Juvenile delinquents are children and adolescents who come into contact with the juvenile justice system because they have committed acts prohibited by law. Delinquent acts include both criminal offenses, such as burglary, theft, robbery, drug use, or violence against persons, and status offenses, which are violations of laws applicable only to juveniles such as curfew violation, drinking alcohol, truancy, sexual misconduct, or incorrigibility. Most juveniles who are incarcerated are criminal rather than status offenders. Half of the persons arrested for serious crimes in the United States are under the age of 20. Although juveniles comprise only 20% of the total population, they are responsible for over 40% of all violent crimes and nearly 50% of all property offenses (Snarr & Wolford, 1985).

Youthful offenses peak at ages 15 to 17 and then decrease among both males and females. Males are significantly more likely to commit delinquent acts and to be incarcerated for those acts than are females, and a larger proportion of ethnic minorities are likely to commit delinquent acts and be incarcerated than are White youths (Farrington, 1987). Juvenile delinquents often come from disturbed home environments and are likely to be doing poorly in school, both academically and socially (Nelson & Rutherford, 1990). In addition, a large proportion of youthful

offenders in the juvenile justice system is disabled according to the criteria established under the Education for All Handicapped Children Act of 1975 (Public Law 94-142).

1. Handicapping Conditions Among Juvenile Offenders

The most common handicapping conditions of juveniles in correctional facilities are mental retardation, learning disabilities, and behavioral disorders.

Students with special needs in juvenile correctional facilities are those whose intellectual, physical, learning, or emotional disabilities and academic skill deficits entitle them to special education services under the mandate of P.L. 94-142. Students with mild to moderate mental retardation, learning disabilities, and behavioral disorders are considerably more prevalent in correctional institutions than in the general school-aged population (Murphy, 1986). Studies of the prevalence of disabling conditions among juvenile offenders indicate that a high percentage exhibit learning and behavioral disorders. Morgan (1979), in a national survey of state juvenile correctional administrators, found that 42% of youthful offenders were identified as disabled according to P.L. 94-142 criteria. Rutherford, Nelson, and Wolford (1985), in a national survey of state directors of special and correctional education, found that an estimated 28% of juvenile offenders were disabled. In an ongoing investigation into the numbers of juvenile offenders served in correctional special education programs, they found that the percentage of juvenile offenders served fluctuated from 19 to 21 (Rutherford et al., 1985; Rutherford, Nelson, & Wolford, 1986a; Nelson & Rutherford, 1989).

Recent efforts to study the numbers of juvenile offenders with disabilities revealed that even higher percentages have been identified as disabled in the public schools prior to their incarceration. For example, 42% of juvenile offenders in Arizona (Perryman, DiGangi, & Rutherford, 1989) and up to 60% of youthful offenders in Maine and Florida state juvenile correctional facilities and the San Francisco city jail system have been enrolled previously in special education programs in the public schools (Nelson & Rutherford, 1989).

Although the full range of disabling conditions exists in juvenile correctional facilities, the most common conditions are mental retardation, learning disabilities, and behavioral disorders. Nelson (1987) noted that those with severe and profound developmental disabilities are rarely found in correctional facilities because they are not likely to have the

opportunity to commit criminal offenses, nor are they likely to be incarcerated. Offenders with severe and profound mental retardation are easily identified at the time of arrest and usually are diverted from the criminal justice system to community and residential programs for individuals with mental retardation (Santamour, 1987).

Juvenile Offenders with Mental Retardation

Offenders with mild and moderate retardation are disproportionately represented in corrections. Casey and Keilitz (1990), in a meta-analysis of the prevalence literature on juvenile offenders with disabilities, found an overall weighted prevalence estimate of 12.6% for offenders with mental retardation. Nelson and Rutherford (1989), in a sample of 13 states, found that administrators' estimates of the prevalence of mental retardation within the special education population in juvenile correctional facilities ranged from 0 to 26%.

While there is no direct cause-and-effect relationship between mental retardation and criminal or delinquent behavior, Santamour (1987) identified a number of disadvantages experienced by those with mental retardation within society in general and within the criminal justice system in particular. Societal disadvantages experienced by offenders with mental retardation that have been correlated with increased likelihood of contact with the criminal justice system include limited access to the labor market, housing, education, and health care. Persons with mild to moderate mental retardation are more likely to experience low occupational status, inferior living conditions, limited educational opportunities, inadequate health care, and high unemployment.

Once offenders who have mental retardation enter the criminal justice system, they are distinctly disadvantaged because they

1. May not understand the implications of the rights being read to them.
2. May confess quickly when arrested and say what they think another person wants to hear.
3. May have difficulty communicating with lawyers and other court personnel.
4. May not be recognized as mentally retarded by lawyers and other court personnel.
5. Are more likely to plead guilty, and more often convicted of the arresting offense, and are less likely to plea bargain for a reduced sentence than a person without retardation.
6. Are less likely to have their sentences appealed.

7. Are less likely to receive pretrial psychological examination.
8. Are less frequently placed on probation or in other diversionary noninstitutional programs.
9. Once in a correctional facility, are slower to adjust to the routine, have more difficulty learning regulations, and accumulate more rule infractions, thus limiting access to special programs and parole opportunities.
10. Are less likely to take part in rehabilitation programs.
11. Are often the recipients of practical jokes and sexual harassment in correctional institutions.
12. Are more frequently denied parole and serve longer sentences than nonretarded offenders incarcerated for the same crimes. (Santamour, 1987, pp. 110–111)

Other characteristics associated with mental retardation may further account for the relationship between mental retardation and delinquent behavior. Santamour (1987) noted that those with retardation (a) often display poor judgment in situations where they do not fully understand the significance and consequences of their actions, (b) may unknowingly involve themselves in criminal activity in an effort to be accepted and/or recognized, and (c) may be led more easily into criminal activity by others because of their heightened suggestibility.

Juvenile Offenders with Learning Disabilities

The proportion of youths with learning disabilities in juvenile correctional institutions is much greater than in the population as a whole. Casey and Keilitz (1990) found an overall weighted prevalence estimate of 35.6% for offenders with learning disabilities in juvenile correctional facilities. Nelson and Rutherford (1989) reported that from 9% to 76% of students in special education programs in juvenile corrections were identified as learning disabled.

While no direct causal link exists between learning disabilities and juvenile delinquency, a number of characteristics of youths with learning disabilities might account for their greater representation in juvenile correctional institutions. Keilitz and Dunivant (1987), in a series of studies concerning the relationship between learning disabilities and juvenile delinquency, found that adolescents with learning disabilities had significantly higher numbers of self-reported violent acts, used significantly more marijuana and alcohol, and had significantly more school discipline problems than adolescents without disabilities. They also found learning disabilities to be strongly related to official delinquency; their studies indicated that adolescents with learning disabilities were 220% more

likely to be adjudicated than other adolescents. The possibility of official contacts with the juvenile justice system appear to be much higher for youths with learning disabilities than for their peers (Keilitz & Dunivant, 1987).

Juvenile Offenders with Behavioral Disorders

Individuals with behavioral disorders or serious emotional disturbance also are disproportionately represented in juvenile correction facilities. While the limited number of prevalence studies of these juvenile offenders prevented Casey and Keilitz (1990) from presenting a weighted prevalence estimate for this population, Murphy (1986) found four studies in which a range of 20.0% to 53.4% of youths in juvenile corrections were identified as emotionally disturbed. Murphy (1986) concluded that "the prevalence of emotional disturbance within the juvenile delinquent population is much higher than within the general population" (p. 9).

Nelson and Rutherford (1989) reported that up to 77% of those in special education programs in juvenile correctional facilities were identified as behaviorally disordered. In 9 of the 13 states in their survey, the majority of incarcerated special education students were in programs for behaviorally disordered or emotionally disturbed youths.

Again, while there is no direct causal relationship between behavioral or emotional disorders and juvenile delinquency, individuals who exhibit antisocial, acting-out behavior are more likely to come into contact with the juvenile justice system. Kauffman (1989) identified several characteristics of delinquent youths that are strongly correlated with serious emotional disturbance. These characteristics include (a) problems in school; (b) low verbal intelligence; (c) parents who are alcoholic or who are frequently arrested; (d) family reliance on welfare or poor management of income; (e) broken, crowded, or chaotic homes; (f) erratic and inadequate parental supervision; (g) parental and sibling indifference or hostility toward the youth; and (h) substance abuse.

2. Probable Causes for Overrepresentation

Poorly developed social skills and lack of ability to comprehend questions and warnings increase the likelihood that disabled offenders will be committed to correctional facilities.

Keilitz and Dunivant (1987) and Fink (1990) pointed out that youths with learning disabilities and behavioral disorders are overrepresented in the

juvenile justice system. Three of the theories posed to account for this overrepresentation are the school failure theory, the susceptibility theory (Murray, 1976), and the differential treatment theory (Keilitz, Zaremba, & Broder, 1981). More recently, an alternative hypothesis suggesting deficits in metacognitive problem-solving strategies among youths with learning disabilities was proposed (Larson, 1988).

The school failure theory holds that learning and behavioral disabilities lead to academic failure and dropout, which, in turn, lead to delinquent behavior. This theory suggests a cause-and-effect relationship between the learning and social characteristics of youths with disabilities and school failure, dropout, and delinquency. Due to school failure, youths with disabilities who are slow learners and who exhibit disciplinary problems may be labeled as "problem students" and grouped with similar youngsters. The theory hypothesizes that negative labeling and grouping may lead to increased absenteeism, suspension, or dropout from school and decreased attachment to school and to teachers as significant adults. This process is believed to lead to diminished social control and increased socially deviant or delinquent behavior.

The *susceptibility theory* suggests that youths with disabilities exhibit certain cognitive, behavioral, and personality deficits that predispose them to delinquent behavior. These deficits—lack of impulse control, poor reception of social cues, and poor ability to learn from experience—lead to decreased effectiveness of the usual social sanctions and rewards and increased susceptibility to delinquent behavior.

Both the school failure and susceptibility theories hold that learning and behavioral disabilities, together with other factors, directly or indirectly produce delinquent behavior. Keilitz and Dunivant (1987) suggested that if the probability of apprehension and arrest is a function of the frequency and seriousness of delinquent acts, both the school failure and susceptibility theories predict a proportional increase in the probability that youths with disabilities will come in contact with the juvenile justice system.

On the other hand, the *differential treatment theory* suggests that offenders with disabilities are treated more harshly at all stages of the juvenile justice system than are other offenders who engage in the same types of delinquent behaviors. Keilitz and colleagues (1981) hypothesized that, because of their characteristics, offenders with disabilities receive different arrest, adjudication, and disposition options than their nondisabled delinquent peers. The differential arrest hypothesis holds that youths with disabilities are more likely to be apprehended by the police because they lack the skills to plan strategies, avoid detection, interact appropriately, and comprehend questions and warnings during encounters with police. The differential adjudication hypothesis suggests that delinquents with disabilities are at greater risk of appearing in juvenile or criminal court than are similarly charged nondisabled

delinquents. This hypothesis maintains that social skill deficits exhibited by some youths with disabilities, such as social abrasiveness, irritability, and lack of self-control, result in harsher treatment by probation officers, attorneys, and judges. The *differential disposition hypothesis* suggests that, due to their lack of cognitive and social skills, offenders with disabilities are more likely to be committed to correctional facilities than are nondisabled offenders adjudicated on the same charge.

The *metacognitive deficits hypothesis* (Larson, 1988) is based on preliminary investigations indicating that adjudicated delinquents' problem-solving strategies are less well developed than those of socially competent high school students. Lack of empirical evidence supporting other theories of overrepresentation prompted Larson to take a closer look at the social skills of youths with learning disabilities that are associated with problem-solving tasks. The testing of the metacognitive deficits hypothesis requires systematic studies that examine overt behavior in relationship to specific metacognitive skill levels.

While there has been little empirical evidence to support any one of these theories conclusively, there is preliminary evidence in support of the differential treatment theory in correctional settings. Studies conducted in Maryland juvenile and adult correctional facilities (Buser, 1985; Buser, Leone, & Bannon, 1987; Walter, 1988) have indicated that adjudicated youths with disabilities are charged with a disproportionate number of disciplinary infractions and, in the adult system, spend more time in disciplinary confinement and serve longer sentences than nondisabled offenders. However, the cause of delinquency among youths with disabilities and the overrepresentation of offenders with disabilities in the juvenile justice system at the present time are probably best explained by some combination of these theories.

3. Educational Services in Juvenile Corrections

Educational services are generally provided at detention centers, juvenile correctional institutions, and schools, camps, and ranches.

Litigation was critical in establishing the rights of children and youths with disabilities to educational services in the early 1970s and was an impetus to the passage of the Education for All Handicapped Children Act (Public Law 94-142) in 1975. Although youths eligible for special education services in correctional facilities are entitled to the same substantive and due process rights of P.L. 94-142 as children in public school

programs, the juvenile and adult correctional systems have been slow to respond to the mandates of the law and to provide appropriate services to youths with disabilities. In recent years, litigation has been initiated or settled on behalf of youths with disabilities in juvenile and/or adult correctional facilities in many states including Alabama, Arizona, California, Connecticut, Florida, Illinois, Maryland, Michigan, New Hampshire, New York, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Utah, West Virginia, and the District of Columbia (K. Boundy, personal communication, November 1989; C. Shauffer, personal communication, November 1989). Among other things, the litigation suggests that the juvenile justice system and correctional facilities have had difficulty acknowledging that many youths in confinement have disabilities and that they are entitled to special education services. Procedures to ensure due process protection and encourage parent involvement in special education recently have been introduced into juvenile corrections. The appointment of surrogate parents for youths whose parents or guardians are unable or unwilling to participate in placement and review of programs continues to be a problem in many states.

Incarcerated youths receive education in a range of community-based programs, detention centers, and prisons in the United States (Leone, 1987). Educational services provided to youths with disabilities in these facilities and programs vary in their adequacy and comprehensiveness. Often, the structure of the educational program is related to the restrictiveness of the facility or placement for adjudicated youths. Not surprisingly, large programs and facilities are much more likely than small ones to have specialized services for youths (Hughes & Reuterman, 1982).

One way of discussing the range of existing educational services is to describe the types of facilities in which youths are incarcerated within the juvenile justice system. Broadly speaking, these programs include detention centers, juvenile correctional institutions and schools, camps, and ranches. While juvenile correctional facilities traditionally have been operated by the criminal justice system, in recent years there has been an increase in the number of private agencies providing services (McGarrell & Flanagan, 1985; U.S. Department of Justice, 1988).

Juvenile Detention Centers and Correctional Institutions

Juvenile detention centers confine youths waiting for preliminary and dispositional hearings in court and occasionally youths ordered to spend brief periods of time in custody. One problem that interferes with continuity of educational programming for adjudicated youths in detention centers is the mobility and indeterminant amount of time they spend in these facilities (Bullock, Arends, & Mills, 1983; Leone, Price, & Vitolo, 1986; Roush, 1983). The placement and length of stay of delinquent

youths at detention centers are determined by the juvenile court and not by those mandated to provide educational services. Youths often are moved to another facility on very short notice; it is not uncommon for staff to discover, when checking on a youngster's absence from class, that he or she has been transferred to another institution or released. Under these conditions, it is difficult to provide appropriate instructional services.

Originally referred to as *training schools* or *reform schools*, juvenile correctional institutions and schools have existed in the United States since the founding of the Lyman School for Boys in Massachusetts in 1846 (Coffey, 1974). In contrast to detention centers, youths are confined to these facilities for longer periods of time. Educational programs in juvenile correctional institutions and schools are modeled, for the most part, after secondary school programs (Roush, 1983). Vocational training is an important component of the curriculum in many facilities, and remedial coursework in reading and computational skills typically is provided. Many educational programs in juvenile correctional institutions are designed to assist students in passing the GED (general education development) examination.

While the mobility of youths in juvenile detention centers and correctional institutions makes educational programming difficult in general, it makes the provision of special education and related services a very challenging task. Among other things, the mobility of youths makes it difficult to provide due process protections to those suspected of having disabilities and to their parents. The least restrictive environment provision of P.L. 94-142 often is a moot point when security rather than education governs placement and movement of youths within the juvenile justice system.

Assessment of students with special needs also is affected by the mobility of those confined to juvenile detention centers and correctional institutions. Due to poorly developed or nonexistent links between correctional and public school systems, records from a youngster's previous school are often difficult to obtain (Lewis, Schwartz, & Ianacone, 1988). Many incarcerated youths are not attending school regularly just prior to their detention or incarceration; and, when records are available, by the time they arrive from the school district, the offender already may have been assessed (in accordance with P.L. 94-142 timelines), released from the facility, or moved to another institution.

In spite of these problems, special education services are provided at most juvenile detention centers and correctional institutions. However, in a number of jurisdictions, programs do not adequately meet the needs of adolescents with disabilities (General Accounting Office, 1985; Hagerty & Israelski, 1981; Rutherford et al., 1985).

Camps, Ranches, and Specialized Treatment Facilities

Camps, ranches, and specialized treatment facilities are much smaller than detention centers and correctional institutions, and they usually confine juveniles for longer periods of time. Camps and ranches often provide services to adjudicated youths at locations far from metropolitan areas. Juveniles confined to a camp or ranch typically are involved in work related to the operation of the facility.

Educational services at camps and ranches often are conducted through distributive education programs, with students spending half of their time in school and the balance of their time working. Just as the mobility of students in juvenile detention centers and correctional institutions is an impediment to providing educational services, the relatively small size and location of many camps and ranches make the provision of special education services difficult. Like public school programs in rural areas, many camps and ranches located in sparsely populated sections of states have difficulty attracting qualified staff.

Other juvenile correctional facilities include private correctional institutions and treatment facilities for special populations. Like camps and ranches, these institutions are relatively small, but they provide services in urban as well as rural areas. At the present time, approximately 1,800 private juvenile custody facilities provide services in the United States (McGarrell & Flanagan, 1985).

At some camps, ranches, and specialized treatment facilities, educational services for all students are individualized (Bobal, 1984; James & Granville, 1984). More often than not, however, individualized programming is not provided for youths with disabilities at these types of detention centers.

In various jurisdictions, correctional education programs are administered by departments of juvenile services, social services, or corrections. Teachers may be employed by one of these agencies or by a local school district or the state department of education.

Transition to School and Community

The movement of adolescents with disabilities from juvenile correctional facilities to schools and communities is a task that requires coordinated efforts by institutional staff, families, probation and aftercare professionals, and educators. Data on the postinstitutional adjustment of delinquents in school settings suggest that many youths do not adapt well to changes in their environment or to the expectations that society has for law-abiding behavior. For example, in a study of 759 youths 3 years after release from correctional facilities, Haberman and Quinn (1986) found that only 1.6% had completed high school, 1.3% were still in high school, and 29% had received a GED certificate. While little information exists on the postinstitutional experiences of students in

special education, the lack of formal arrangements between juvenile correctional institutions and public school programs (Lewis et al., 1988) and the high rate of dropout among students receiving secondary special education services in general (U.S. Department of Education, 1989) suggest that many youths with disabilities do not return to school after leaving correctional institutions.

One model developed to promote the transition of juvenile offenders to the community is the Juvenile Corrections Interagency Transition Model (Webb, Maddox, & Edgar, 1985). The model identified problem areas that interfered with successful transition and developed and field tested transition strategies falling into four broad categories. awareness activities, transfer of records, preplacement planning, and maintenance of placement and communication.

The Juvenile Corrections Interagency Transitions Model has been implemented extensively in the state of Washington and is being tested in other jurisdictions. Preliminary results suggest that most strategies were positively rated by education and correction staff, the model was implemented at minimal cost, and, most important, it had a positive impact on the reintegration of adolescents into public school settings (Edgar, Webb, & Maddox, 1987).

4. Administrative Arrangements and Service Providers

Teachers who work with incarcerated youth may be employed by the public schools, departments of social services, juvenile justice and corrections, or private agencies.

The heterogeneous nature of adjudicated youths with disabilities and the range of facilities in which they are incarcerated make it difficult to describe typical administrative arrangements and classrooms. We should begin by acknowledging that incarceration is an experience that most educators never have. Many troubled youths who are sent to juvenile detention centers, correctional institutions, and camps and ranches have had public school and community experiences that are very different from those of the correctional educators who teach them.

On the surface, many correctional classrooms resemble alternative education programs or remedial programs in public schools. The demands placed on teachers in community-based correctional facilities or detention centers are similar to those experienced by special education teachers who work with adolescents with behavioral disorders. Teachers

working in juvenile correctional facilities, camps, and specialized facilities, however, often encounter an environment in which discipline and maintenance of order are pervasive. Teachers in secure facilities often have responsibilities related to the security of the institution in addition to their pedagogical duties. In general, the higher the level of security in an institution or program, the greater the level of structure within its classrooms.

Special education as a service delivery system is relatively new to juvenile correctional facilities. At the time P.L. 94-142 was passed, most public school systems in the United States had established special education programs in their schools. While those programs may not have met the standards specified in the new legislation, schools were meeting the needs of some students with disabilities. In contrast to the public schools, at the time P.L. 94-142 was passed, very few education programs operated by the juvenile justice system assessed or identified students suspected of having disabilities. Consequently, with little prior experience in this area, many correctional education programs have had to develop systems for the screening, identification, assessment, and instruction of youths with disabilities relatively recently. Additionally, many of the provisions of the law, designed for implementation in the public schools, have been difficult to implement in the juvenile justice system (Leone et al., 1986).

Like their counterparts in the public schools, special education teachers in correctional institutions have a great deal of latitude in how they structure their classrooms and, in some cases, in the curriculum they adopt. Correctional administrators and educators unfamiliar with special education services often do not have the experience or expertise to guide and support the development of high-quality special education programs.

Teachers who work with incarcerated youths with disabilities are employed by a range of different agencies including public schools, departments of social service, juvenile justice and corrections agencies, and private agencies that operate detention centers under contract. Because of the diversity of correctional education programs and the different agencies involved in the process, it is difficult to describe typical administrative arrangements (Leone, 1987).

Most correctional educators work under contracts in excess of the typical 185- or 190-day contracts public school teachers receive. Correctional education programs usually operate on a year-round basis, and teachers typically receive less vacation time than their colleagues in the public schools. One problem found in many non-public-school educational programs and in corrections is the lack of substitute teachers. When a teacher is absent or has to attend meetings, many correctional education programs cancel that teacher's classes or have a program aide substitute for the teacher.

Occasionally, classes are canceled at institutions for reasons related to security. Mandated counts of juveniles in the facility and other disruptions associated with maintaining order occasionally interfere with scheduled classes. These disruptions are more likely to occur in large institutions than in small, community-based programs.

The administrative support and resources available to correctional educators vary with the source of funding and the public perception of the criminal justice system within the state. In states with well-developed educational systems and a strong commitment to rehabilitation, correctional education programs are likely to provide more support for teachers than in states where this is not the case.

Students enrolled in special education programs in the community or in detention centers do not fit any stereotypic notions that one might have of juvenile delinquents or criminals. The characteristics and educational skill deficits of juvenile offenders with disabilities are similar to those of adjudicated youth who are not identified as having disabilities (Cheek, 1984; Walter, 1988). While a certain amount of bravado or "macho" behavior may be exhibited by students new to the classroom, other students ignore and rarely tolerate this behavior. Students are often loyal to their teachers and communicate appropriate expectations for classroom behavior to others.

In some juvenile facilities, competition between rival gangs presents problems for security staff (T. Price, personal communication, April 1984). Many institutions prohibit the display of any insignia or "colors" or the exchange of salutes associated with a gang. While gang activity itself does not pose problems for correctional educators, the institutional climate certainly is affected by the presence of gangs.

Many students in correctional education programs have positive experiences with teachers and the educational process for the first time in their school careers because of small class sizes and the empathy exhibited by the teachers (Egan, 1987). Correctional education teachers report that many of their students exhibit tremendous educational growth in the first few months they are enrolled in the program. For many adjudicated youths, the instruction they receive while in detention or confinement is the most continuous and structured they have received since their elementary school years.

Most classrooms serving incarcerated youths are relatively peaceful places. While alternative or community-based programs for adjudicated youths may occasionally be disrupted by inappropriate student behavior, serious acts of misbehavior are rare in correctional institutions. For many incarcerated youths, the correctional education classroom is a place far removed from the hostile world of the juvenile detention center or correctional institution. Many incarcerated youths take their studies seriously and apply themselves diligently. This is not to suggest that all students attend school willingly or are exemplary students. However, as

students discover the incentive structure within many institutions (e.g., attending classes results in "good time"; "good time" can result in earlier release or probation), they are more likely to apply themselves to their studies.

Teachers in correctional education programs use a range of behavioral techniques, including certificates of achievement, "students of the week," and cooperative learning strategies to motivate their students. Many correctional educators use contingency contracting, data-based instruction, and similar strategies that explicitly specify expected student performance and teacher responses (Leone, 1985).

Vocational classrooms in the criminal justice system typically are not designed to accommodate learners with special needs. In some facilities, a minimal reading or computational level is required for participation and many adolescents with disabilities are effectively barred from participating. In other programs, vocational classes are available to all youths regardless of prerequisite academic skills. Some vocational programs serving adjudicated youth have developed strong ties to local businesses (James & Granville, 1984). In addition to providing an extension of the classroom for on-the-job training, local businesses can help youths detained in secure facilities to make successful transitions back to the community.

5. Promising Practices

Practices that support meaningful special education programs in juvenile correctional facilities include functional assessments, curricula, and instruction; transition services; and collaborative linkages among courts, schools, correctional facilities, and aftercare programs.

Functional Assessments

Assessment decisions are an integral part of the processing of offenders for purposes of classification and placement within the juvenile justice system. Assessment usually takes place in a central classification center where the offender may receive medical, psychological, intellectual, and achievement evaluation. Tests usually are standardized, one-time, group evaluations with test results used for institutional or system demographic reports; they are rarely used for assigning offenders to specific programs or institutions. These traditional assessment and classification procedures in correctional settings have had limited value in identification of and educational programming for offenders with disabilities.

Functional assessment identifies discrepancies between the disabled youthful offender's level of educational achievement, social/vocational adjustment, and ability to function independently and a predetermined curriculum or program standard. Functional assessment involves making treatment decisions based on the specific curriculum taught rather than on a standardized instrument such as the Wide Range Achievement Test or the Test of Adult Basic Education. Functional assessment involves continuous rather than one-time measurement, and the results are used to make systematic adjustments in the student's educational program.

Functional Curriculum

Traditional educational curricula in detention and correctional institutions often are not designed for youthful offenders with disabilities. Since fewer than 20% of juvenile offenders have completed high school or received the GED, many correctional education programs focus on obtaining high school course credits or preparing for the GED. Emphasis often is placed on moving to higher grade levels rather than achieving functional skills. The validity of such an academic focus is questionable for youthful offenders with disabilities, who often lack the functional skills to find a job or live independently in their communities.

A functional educational curriculum is one that meets a student's individual needs. The focus of such a curriculum for youthful offenders with disabilities must be on social, daily living, and vocational skills. The ability to interact appropriately with others, find and hold a job, read basic regulatory and commercial signs, purchase goods and services, live on a budget, and so forth are critical functional skills that many youthful offenders with disabilities do not possess.

Functional Instruction

Functional instruction means using positive and direct instructional strategies to teach functional curricula in juvenile detention and correctional education programs. While there must be realistic, and sometimes negative, consequences for inappropriate, maladaptive, or deviant behaviors in correctional education programs, the primary focus of instruction must be on reinforcing appropriate academic and social behaviors in the classroom.

Applied behavior analysis is a powerful tool for intervention and evaluation in the juvenile justice system. This systematic, performance-based method of changing behavior allows for the specification of measurable daily living, social, vocational, and academic behaviors and the evaluation of the effects of positive and direct instructional strategies on changing these behaviors.

Transition Services

The need for transition or re-entry services in correctional programs is acute. Services are needed that effectively link correctional education programs to the student's previous public school program, as well as with the educational and community services needed to support the juvenile offender with disabilities following incarceration. Transition services have been the most neglected component of correctional education programs. Cooperation among the public schools, community agencies, and correctional education programs has been rare. The identification of offenders with disabilities often is slowed by the difficulty in obtaining previous educational records, and institutional educational records are rarely forwarded to educational or vocational programs in the community once an offender returns to the community. The key problem has been that no single agency will accept responsibility for providing transition services.

The Juvenile Corrections Interagency Transition Model (Webb, Maddox, & Edgar, 1985) describes a set of procedures for transferring the youthful offender and his or her educational records between public school and correctional education settings. These procedures focus on interagency awareness of the educational needs of youthful offenders, systematic procedures for the transfer of educational records between agencies, preplacement planning before the offender leaves the institution, and placement maintenance and communication when the offender returns to the community.

Collaborative Linkages Among Courts, Schools, Correctional Facilities, and Aftercare Programs

Comprehensive systems for providing appropriate educational services to youthful offenders with disabilities often do not exist within the correctional facility or prior to or following incarceration. The conflicting priorities and responsibilities of staff within the institution and of professionals in the various juvenile justice, educational, and community agencies with whom offenders with disabilities come into frequent contact inhibit the provision of special education services.

Institutional correctional programs have three functions: (1) custody and supervision, in which offenders are monitored and their movements restricted; (2) work, in which offenders make restitution, maintain the institution, and conform to the work ethic; and (3) the provision of programs, including education, in which the offenders have appropriate services and meaningful activities to occupy their time. Developing comprehensive systems means balancing these often competing priorities and maintaining effective communication and cooperation among the staff responsible for these functions.

Comprehensive and coordinated linkages often do not exist among the courts, the public schools, correctional education programs, and aftercare programs. Interagency communication and cooperation must be established whereby juvenile court judges make sentencing and placement decisions that take into account the youthful offender's special education needs; both educational records and the youthful offender are transferred into and out of correctional education programs; and parole and aftercare programs are linked to the correctional education program and the public schools to provide continuous and meaningful special education services.

6. Future Trends

Emerging trends include more placements in private facilities, intermediate sentencing, and larger numbers of serious offenders in juvenile facilities.

At the present time, juvenile justice and corrections are in a state of flux. Several trends have the potential to alter the present state of affairs and perhaps make the provision of special education and related services even more troublesome in juvenile corrections. However, special educators have unique opportunities to support the provision of appropriate services to youths with disabilities in juvenile correctional facilities.

The U.S. Department of Justice (1988) reported a 9% increase in the number of juveniles in custody between 1974 and 1985. The Department also reported that the national trend is toward a decrease in the use of public facilities for housing these youth and an increase in subcontracting private facilities for services. This trend suggests that juvenile corrections as a system is becoming increasingly polarized. Today, public facilities are more likely to be used to house either serious offenders or offenders with special problems in restrictive settings. In contrast, private facilities are being used to provide community placements for the larger number of adjudicated youth whose offenses or problems are less severe. At the present time, the effect of having private, for-profit facilities responsible for the special education needs of juvenile offenders is unknown.

Another trend in juvenile corrections is the use of indeterminate sentencing. Currently, 45 states and the District of Columbia authorize indeterminate sentencing, and in 32 of these jurisdictions discretion regarding a youth's length of stay in any correctional facility lies with the state's juvenile correctional agency (U.S. Department of Justice, 1988). Our experiences with juvenile correctional facilities indicates that

under present systems of detention and confinement, juveniles with disabilities spend more time in secure facilities than youths without disabilities. As states move toward indeterminate sentencing, students with special needs could continue to spend longer periods of time in confinement.

Forty-eight states, the District of Columbia, and the federal government have established provisions for youths who are legally minors but are accused of a serious offense to be waived to adult court for trial. From the standpoint of providing appropriate placement for all adjudicated youths, it is critical to consider that in 24 of these jurisdictions youths convicted in adult court may be remanded back to the juvenile system to serve their sentences. An additional indicator of the potential for an increase in the number of serious offenders housed in juvenile facilities is the current overcrowding in adult prisons, which precludes their acceptance of juvenile offenders. Within the Maryland adult correctional system, for example, the rate of commitment is on the increase and the minimum age of those committed is declining (C. Buser, personal communication, October 24, 1989). Little is known about the impact of these trends on the education and habilitiation of adjudicated youth with disabilities.

7. Professional Development

Special education teachers need to address dropout prevention, functional curricula, and advocacy support for disabled students at risk for adjudication.

Special educators concerned with overrepresentation of youths with disabilities in the juvenile justice system, and with the provision of appropriate services to this group, can take steps to address the problems described here. First, we need to actively recruit and train teachers to work in juvenile correctional facilities. Surveys suggest that the number of certified special education teachers in juvenile corrections is not adequate for the number of students identified as needing special education services (Rutherford et al., 1985; 1986a). While a number of special education teacher preparation programs have been developed in the United States to address the need for additional teachers (Sutherland, 1985), the demand is much greater than the numbers of teachers these programs can provide. With regard to content, preservice and inservice training materials have been developed (Rutherford, Nelson, & Wolford, 1986b) and training priorities have been identified by special educators and correctional educators working in the field (Leone, 1986).

Another key way in which special educators at the secondary school level can make a difference is through providing appropriate educational services to their students and taking steps to keep their students in school. While delinquency and dropping out of school are highly correlated, at the present time it is not certain whether delinquency precedes or is a sequel to dropping out of school (Elliot & Voss, 1974; Farrington, Gallagher, Morley, St. Ledger, & West, 1986; Gottfredson, 1985). However, by making the curriculum more functional in terms of providing adolescents with skills they value and use in their immediate environments, both the holding power and effectiveness of schools may be improved. In addition to providing appropriate instruction in academic and vocational skill areas for youths at risk for dropping out, law-related education that focuses on teaching adolescents their legal rights and helping them develop a sense of community may be appropriate (Bannon & Leone, 1987).

A third role for special educators involves conducting systematic inquiry into a number of areas related to youths with disabilities in the criminal justice system. The need for well-conceptualized and -conducted research on the mechanisms through which overrepresentation occurs is critical. A research agenda also might include the development of strategies to informally identify students at risk for adjudication and incarceration and the development of prevention programs. Another area for investigation is the institutional and cultural forces that exacerbate or mitigate problems experienced by youths with special needs in the community.

The literature suggests that while a number of surveys report a significant overrepresentation of youths eligible for special education services under P.L. 94-142 among the committed juvenile population (Casey & Keilitz, 1990; Morgan, 1979; Murphy, 1986; Rutherford et al., 1985), no studies of specific juvenile correctional populations have been of sufficient size or quality to describe this population reliably. Casey and Keilitz (1990) described this as a crucial first effort currently needed for the development of effective programs to serve these youth.

We know that the trend in national juvenile corrections is to serve growing numbers of youth in contracted private community facilities and to reserve more restrictive public institutions for smaller groups of youth adjudicated for serious crimes, those likely to recidivate, or those perceived as intractable within the system. The current literature base does not provide us with data to estimate how many youths eligible for services under P.L. 94-142 live in the most restrictive of correctional facilities. However, theoretical arguments from the correctional and special education research community suggest that cognitive and social deficits associated with their educational disabilities may render these youths vulnerable to inequitable treatment at all levels of the justice

system (Brewer, 1979; Broder, Dunivant, Smith, & Sutton, 1981; Casey & Keilitz, 1990; Golinvaux & Janeksela, 1979; Larson, 1988; Richard, Spencer, & Spooner, 1980; Santamour & West, 1979). Additionally, a growing data base confirms that youths eligible for services under P.L. 94-142 present significantly more disciplinary problems within correctional institutions than do their ineligible counterparts (Buser, 1985; Buser, Leone, & Bannon, 1987; Walter, 1988).

The U.S. Department of Justice (1988) reported that over a 20-year period nearly half of all correctional releases may be expected to reenter confinement. Although our current understanding of recidivism is limited, we do know that the likelihood that an individual will reenter correctional confinement increases when he or she has a large number of prior arrests and is young at first release. Given the overrepresentation of P.L. 94-142-eligible youth among youthful arrestees and their significant problems in dealing successfully with the system (Golinvaux & Janeksela, 1979; Buser, 1985; Walter, 1988), it is reasonable to expect a significant incidence of recidivism among this population. While some similarities exist between teaching students with special needs who enrolled in public schools and those in juvenile correctional facilities, the mobility of incarcerated students, the administrative arrangements made for them, and the institutional climate of correctional institutions differ greatly from those of public school settings. In responding to the needs of youths with disabilities in the juvenile justice system, special educators can make positive contributions as teachers, teacher trainers, and researchers.

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